

Kurt S. Elieson  
Hayes, Berry, White & Vanzandt, LLP  
512 W. Hickory St., Suite 100  
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Off: (940) 387-3518  
Fax (866) 546-9247  
Attorney for Dean & Marilyn Bayless

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

|                          |   |                          |
|--------------------------|---|--------------------------|
| In Re:                   | § |                          |
|                          | § |                          |
| DEMETRIUS ANTHONY REYES, | § | Case No. 13-70104-hdh-13 |
|                          | § |                          |
| Debtor                   | § |                          |

AGREED MOTION TO WITHDRAW AS LEGAL COUNSEL  
AND SUBSTITUTION OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now Kurt S. Elieson of Hayes, Berry, White & Vanzandt, LLP, the attorneys of record for Dean H. Bayless et ux, Marilyn Bayless, one of the creditors in this proceeding, and file this motion seeking authorization to withdraw as legal counsel for such parties, with a related agreed motion to substitute Frank R. Jelinek, attorney at law, whose address is 801 E. Abram St., Suite 102, Arlington, Texas 76010, as their legal counsel of record.

1. Good cause exists for such withdrawal for the reason that Dean Bayless and wife, Marilyn Bayless have requested that the attorneys withdraw as evidenced by the written communication that is attached hereto and incorporated herein by this reference, and that Frank R. Jelinek be substituted as their counsel.

WHEREFORE, premises considered, the undersigned attorneys pray that the Court enter an Order permitting the attorneys to withdraw without

further responsibility to the creditor/clients; that the substitution of Frank R. Jelinek as legal counsel to such creditors be approved, and for general relief.

Respectfully submitted,

/s/ Kurt S. Elieson .  
Kurt S. Elieson  
Texas Bar No. 06521100  
Hayes, Berry, White & Vanzandt  
512 W. Hickory St., Suite 100  
Denton, Texas 76201  
Off: (940) 387-3518  
[kelieson@hbwvlaw.com](mailto:kelieson@hbwvlaw.com)

AGREED:

Respectfully submitted,

/s/ Frank R. Jelinek .  
Frank R. Jelinek  
State Bar I.D. No. 10616000  
Attorney for Dean and Marilyn  
Bayless  
801 E. Abram St., Suite 102  
Arlington, Texas 76010-1203  
Off: (817) 461-1100  
Fax: (817) 461-1109

#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading was served by either ECF delivery, or by U.S. First Class Mail, postage prepaid, upon all persons listed on the attached service list, on this 10th day of September, 2013, in accordance with the bankruptcy rules of procedure, or in accordance with any request for notice.

Demetrius A. Reyes  
3223 York  
Wichita Falls, Texas 76309

Monte J. White & Assoc.  
1106 Brook Ave.  
Hamilton Place  
Wichita Falls, Texas 76301

Walter O'Cheskey  
Standing Chapter 13 Trustee  
6308 Iola Ave.  
Lubbock, Texas 79424

U. S. Trustee  
United States Courthouse  
1100 Commerce St., Suite 976  
Dallas, Texas 75242

J. Michael McBride  
Attorney at Law  
6300 Ridglea Place, Suite 101  
Fort Worth, Texas 76116

/s/ Frank R. Jelinek  
FRANK R. JELINEK

EXHIBIT A  
(Letter Attached)

**Frank Jelinek**

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**From:** marilynbayless@comcast.net  
**Sent:** Thursday, September 05, 2013 5:50 PM  
**To:** frank@jelineklaw.com  
**Subject:** Termination Notice Sent to Our Former Lawyer (Kurt Elieson of Hayes, Berry, White, Van Zant)

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**From:** marilynbayless@comcast.net  
**To:** "Kurt Elieson" <kelieson@hbvwlaw.com>  
**Cc:** "Dean Bayless" <deanbayless@comcast.net>, "Jackie Cox" <jcox@hbvwlaw.com>, "Shanna Cargill" <scargill@hbvwlaw.com>  
**Sent:** Tuesday, September 3, 2013 2:16:50 PM  
**Subject:** Re: Objection sent to trustee

To All Above,

We no longer have any confidence in Kurt Elieson's ability or integrity.

We want to end our relationship with him.

Send us the final bill.

When we find another attorney we will send you their names and contact information so that you can forward any documents that they may request.

Marilyn & Dean Bayless

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**From:** "Shanna Cargill" <scargill@hbvwlaw.com>  
**To:** marilynbayless@comcast.net, "Kurt Elieson" <kelieson@hbvwlaw.com>  
**Cc:** "Dean Bayless" <deanbayless@comcast.net>, "Jackie Cox" <jcox@hbvwlaw.com>  
**Sent:** Wednesday, September 4, 2013 12:23:05 PM  
**Subject:** Re: Objection sent to trustee

Marilyn and Dean:

I understand your desire to end the relationship with our firm, and I respect your decision. That being said, we do need to try to finalize the transition of your file to your new attorney. Additionally, it is my understanding that the deadline to file proper objections to Reye's Amended Plain in the bankruptcy court is September 11, 2013. Therefore, you would need to have your new attorney file the proper objections by the above deadline.

Lastly, I wanted to touch base with you to ascertain what you believe we could have done to better represent you in this matter. I wanted this for my own personal information and to investigate and address the situation. I valued you as a client and thought that we had a good working relationship. Therefore, your feedback is important to me if you so decide to inform me of why you are terminating Kurt and our firm.

Regardless, I do need to know your new attorney's information so I can quickly transition your file. If you have not retained another attorney then please advise so we can quickly transition the file to you personally.

Regards,

Shanna Cargill  
Hayes, Berry, White & Vanzant, LLP  
512 W. Hickory, Suite 100  
Denton, Texas 76201  
Telephone: 940-387-3518  
Facsimile: 866-741-1969  
Website: www.hbvwlaw.com

*EXHIBIT A*